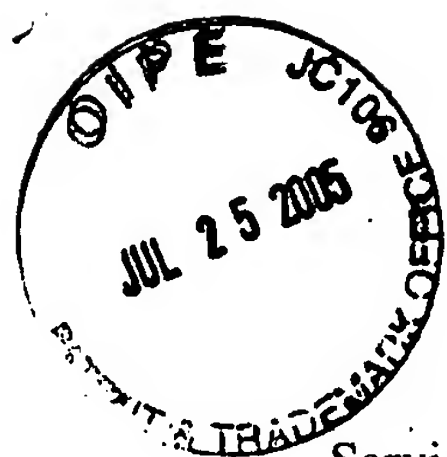


IFW

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

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Michelle Ludwig

In re application of: Howe et al.)

Serial No.: 10/628,804)

Filed: July 28, 2003)

For: Assay for the Detection of Selectable
 Marker Expression in Plants)

) Examiner: Anne R. Kubelik

) Group Art Unit: 1638

) Conf. No. 4557

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- X Response to Election/Restriction Requirement Under 35 U.S.C. §121
- X Return Postcard
- X If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly.
- X No fee is believed required with this filing.
- X Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached.

Respectfully submitted,



M. Todd Rands

Reg. No. 46,249

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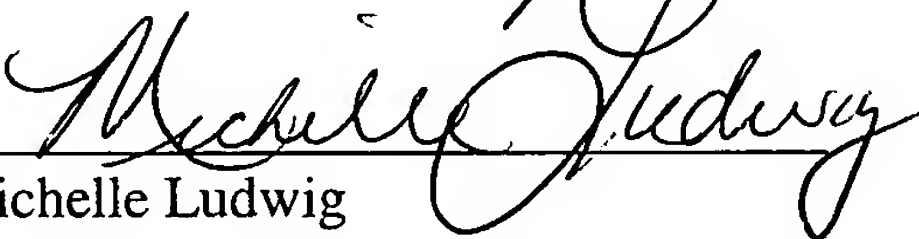


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Michelle Ludwig

In re application of: Howe et al.

Serial No.: 10/628,804

Filed: July 28, 2003

For: Assay for the Detection of Selectable
Marker Expression in Plants

)
) Examiner: Anne R. Kubelik
)
) Group Art Unit: 1638
)
) Conf. No. 4557
)
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MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT UNDER 35 U.S.C. §121

This paper is filed in response to the Office communication dated June 28, 2005. It is respectfully requested that the election below be entered with traverse and that the application be examined on the merits.

REMARKS

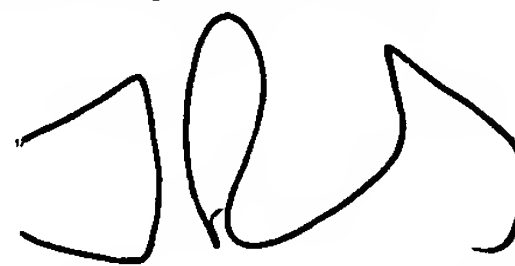
In the action dated June 28, 2005, the U.S. Patent and Trademark Office required restriction under 35 U.S.C. 121 from among the following groups:

- I. Claims 1-33, and 38-39, drawn to a method of detecting a selectable marker gene product in plants, classified in class 424, subclass 9.1, for example.
- II. Claims 34-37, drawn to a kit comprising an antibiotic and a surfactant, classified in class 206, subclass 569, for example.

Applicants elect Group I consisting of Claims 1-33 and 38-39 with traverse and respectfully request that the application be examined on the merits. Applicants believe that it would not create an undue burden on the Examiner to conduct a search encompassing all of the claims. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,



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